

GOVERNMENT OF TELANGANA
ABSTRACT

Forest Conservation Act – Diversion of **3168.131 ha (revised from 3221.2974 ha)** of forest land in 8 different forest divisions viz. Mahadevpur, Karimnagar-Sircilla, Siddipet, Yadadri, Medak, Nizamabad Banswada and Nirmal divisions for construction of canals, Tunnels, lift system, surge pool, delivery cistern, and reservoirs etc involved in **Kaleshwaram Project** in different districts of Telangana State in favour of Chief Engineer, Kaleshwaram Project under TDWSP – **Final (stage-II)** approval - Accorded – Orders - Issued.

ENVIRONMENT, FORESTS, SCIENCE & TECHNOLOGY (FOR.I) DEPARTMENT

G.O.Ms.No. 40

Dated: 27-11-2017.
Read the following:

1. From the PCCF (HoFF), TS, Hyd., Lr.No.32443/2011/FCA-1, Dt.20.12.2014.
2. Govt. Letter No.3747/For.I (1)/2014, EFS&T (For.I) Dept. Dated:29-12-2014.
3. From GoI, MoEF&CC, New Delhi, F.No.8-31/2017-FC, Dt.24.10.2017.
4. From PCCF (HoFF), TS, Hyd., Lr.Rc.No.2514/2017/FCA-1, Dated:13.11.2017.
5. Govt. Letter No.3747/For.I (1)/2014, EFS&T (For.I) Dept., Dated:13-11-2017.
6. From GoI, MoEF&CC, New Delhi, F.No.8-31/2017-FC, dt. 24.11.2017.

O R D E R

In the letter 1st read above, the Principal Chief Conservator of Forests (HoFF), Telangana State, Hyderabad has submitted a proposal for diversion of **3168.131 ha (revised from 3221.2974 ha)** of forest land in 8 different forest divisions viz. Mahadevpur, Karimnagar-Sircilla, Siddipet, Yadadri, Medak, Nizamabad Banswada and Nirmal divisions for construction of canals, Tunnels, lift system, surge pool, delivery cistern, and reservoirs etc involved in **Kaleshwaram Project** in different districts of Telangana State in favour of Chief Engineer, Kaleshwaram Project under TDWSP.

2. In the letter 2nd read above, the proposal in para-1 above was forwarded to Government of India, Ministry of Environment, Forests & Climate Change, New Delhi for granting approval under section -2 of the Forest (C) Act, 1980.
3. In their letter 3rd read above, the Ministry of Environment, Forests & Climate Change, GoI, New Delhi have granted in-principle (Stage-I) approval for the above proposal, subject to fulfillment of the conditions stipulated thereof.
4. In the letter 5th read above, the Government of Telangana have sent the report of compliance on the conditions stipulated by GoI, as submitted by the Principal Chief Conservator of Forests (HoFF), Telangana State, Hyderabad in his letter 4th read above, to the Ministry of Environment, Forests & Climate Change, New Delhi for according necessary approval.
5. In the letter 6th read above, Central Government have granted final approval for the proposal in para 1 above, under Section- 2 of the Forest (C) Act, 1980, subject to fulfillment of the conditions stipulated therein.

(PTO)

6. Accordingly, Government hereby accord **final (Stage-II)** approval for diversion of **3168.131 ha (revised from 3221.2974 ha)** of forest land in 8 different forest divisions viz. Mahadevpur, Karimnagar-Sircilla, Siddipet, Yadadri, Medak, Nizamabad Banswada and Nirmal divisions for construction of canals, Tunnels, lift system, surge pool, delivery cistern, and reservoirs etc involved in **Kaleshwaram Project** in different districts of Telangana State in favour of Chief Engineer, Kaleshwaram Project under TDWSPunder section-2 of the Forest Conservation Act, 1980, subject to fulfillment of the following conditions:-

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) 5069010 plants will be planted as Compensatory Afforestation (CA) over 3367.1389 ha. Non-forest land and 617.254 ha. on degraded forest land in lieu of proposed diversion of 3168.131 ha., following site specific planting techniques with additional measures as per approved CA Scheme, on the identified land within three years from the date of Stage-II Clearance and maintained thereafter by the State Forest Department from the funds already provided by the user agency;
- (iii) The State Government shall ensure that the penal compensatory afforestation of 8.00 ha. shall also be raised on the identified degraded forest land within three years from the date of Stage-II Clearance and maintained thereafter by the State Forest Department from the funds already provided by the agency;
- (iv) The State Government shall ensure that the State Forest Department shall implement the approved soil and moisture conservation (SMC) activities on the CA land from the funds provided by the User Agency;
- (v) 3367.1389 ha. of non-forest land which is transferred and mutated in favour of the State Forest Department for the purpose of compensatory afforestation shall be declared as Reserved Forest under Section-4 or Protected Forest under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act;
- (vi) The State Government shall ensure that the civil structures recommended in the project shall be designed in such a way to allow smooth of passage of the wild animals and the user. The Forest Department shall prepare a Plan of Action to utilize the water potential available nearby for the benefit of forest crop and also to the wild animals at the cost of user agency;
- (vii) The user agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India and transfer the same to the ad-hoc CAMPA under intimation to this Ministry;
- (viii) The State Government / User Agency shall ensure to obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986;
- (ix) The State Government / User Agency shall ensure to raise afforestation along periphery of the reservoirs and canal'

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- (x) The State Government / User Agency shall ensure that the trees available between full reservoir level (FRL) and FRL-4 meters are not felled;
- (xi) The State Government / User Agency shall ensure to provide free water for the forestry related projects;
- (xii) The State government / User Agency shall obtain clearance from the Standing Committee of NBWL for areas falling in the protected area and its Eco-Sensitive Zone before commencement of work;
- (xiii) The State Government shall take appropriate measures in the project area to increase the fodder availability in the forest for wildlife, desilting of tanks and water holes in the forest areas to increase the water availability for wildlife, anti-poaching strategy and Anti-encroachment strategy, provision of salt licks and launching of public awareness programmes.
- (xiv) The State Govt. shall follow the regulation on eco-sensitive zone, if applicable.
- (xv) The order of the NGT and other courts, which may be pending against this proposal, may be complied by the state government.
- (xvi) The State Government shall ensure that the approved Catchment Area Treatment (CAT) plan is implemented by the State Forest Department from the funds provided by the user agency;
- (xvii) The State Government shall ensure that the Wildlife Conservation Plan duly approved by PCCF (Wildlife) is implemented by the State Forest Department from the funds provided by the user agency;
- (xviii) The State Government and the user agency shall implement the approved R&R Plan as per the R&R Policy of State Government in consonance with National R&R Policy, Government of India before the commencement of the project work. The said R&R Plan will be monitored by the State Government/concerned Regional Office of MoEF&CC, GoI along with indicators for monitoring and expected observable milestones;
- (xix) The State Government shall ensure that the User Agency provides fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
- (xx) The State Government shall ensure that the boundary of the diverted forest land, mining lease and safety zone, as applicable, has been demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, distance from pillar to pillar and GPS co-ordinates of each pillar;
- (xxi) The State Government shall ensure that the layout plan of the proposal shall not be changed without the prior approval of the Central Government.

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- (xxii) The State Government shall ensure that the forest land is not used for any purpose other than that specified in the proposal;
- (xxiii) The State Government shall ensure that the forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
- (xxiv) The State Government shall ensure that the water is provided from the reservoir and canals to the Forest Department for raising and maintenance of plantations and nurseries around the site whenever required, free of charge. The quantity and time of supply of water shall be as decided by the Forest Department;
- (xxv) The State Government shall ensure that the User Agency carries out muck disposal at pre-designated sites in such a manner so as to avoid its rolling down and the dumping area for muck disposal shall be stabilized and reclaimed by the planting suitable species by the User Agency at the cost of project under the supervision of State Forest Department. Retaining walls and terracing shall be carried out to hold the dumping material in place. Stabilization and reclamation of such dumping sites shall be completed before handing over the same to the State Forest Department in a time bound manner as per Plan;
- (xxvi) The State Government shall ensure that the User Agency submits the annual self-compliance report in respect of the above conditions to the State Government and to the concerned Regional Office of the Ministry regularly:
- (xxvii) Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife;
- (xxviii) The State Government and the User Agency shall ensure compliance to provisions of all Acts, Rules, Regulations, Guidelines, and relevant Hon'ble Court Order(s), if any, pertaining to this project for the time being in force, as applicable to the project;
- (xxix) Before commencement of work in the forest area, the State Government will ensure implementation of complete process for identification and settlement of rights under the FRA 2006 for the entire 322.557 ha. of forest area in Nirmal District and 323.3667 ha. of forest area in Nizamabad District. Further, as resolved by the District Level Committee of Nirmal District that forty three owners of RoFR title deeds have to be dispossessed only after following due procedure of law, including payment of appropriate compensation as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and the Compensation also must be granted for loss of income, from the collection of Beedi leaves, if any in the affected area; and

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(xxx) As per para 3.4 (iii) of Ministry's Guidelines issued under Forest (Conservation) Act, 1980, a Monitoring Committee shall be constituted with a nominee of the Central Government to monitor the conditions being stipulated, including those pertaining to compensatory plantation are carried out;

7. The Principal Chief Conservator of Forests (HoFF), Telangana State, Hyderabad shall take necessary action, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

DR. RAJAT KUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Principal Chief Conservator of Forests (HoFF),
Telangana State, Hyderabad.

Copy to:

The Director General, Government of India, Ministry of Environment & Forests and Climate Change (Forest Conservation Division), Indira Paryavaran Bhawan, Aliganj, Jorbagh Road, New Delhi 110 003.

The Addl. Prl. Chief Conservator of Forests, (Central), Govt. of India, Ministry of Environment & Forests, Regional office, Panagal Building, 8th floor, Saidapet, Chennai -600 015.

The Chief Engineer, Kaleshwaram Project under TDWSP.
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//FORWARDED:: BY ORDER//

SECTION OFFICER